108371

Ontario

ONTARIO RENTAL HOUSING TRIBUNAL

ANNUAL REPORT 2000 - 2001

106-03417/

Ministry of Municipal Affairs and Housing

Office of the Minister

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Ontario

TO THE LIEUTENANT GOVERNOR
OF THE PROVINCE OF ONTARIO

MAY IT PLEASE YOUR HONOUR:

For the information of Your Honour and the Legislative Assembly, we have the privilege of presenting the Annual Report of the Ontario Rental Housing Tribunal for the 2000-2001 fiscal year.

Respectfully submitted,

John Gerretsen
Minister of Municipal Affairs

Ontario Rental Housing Tribunal

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TO THE HONOURABLE JOHN GERRETSEN
MINISTER OF MUNICIPAL AFFAIRS

MINISTER:

I have the honour to submit the Ontario Rental Housing Tribunal's Annual Report for the 2000/2001 fiscal year.

Respectfully submitted,

Chisanga Puta-Chekwe
Chair
Ontario Rental Housing Tribunal

Ontario Rental
Housing Tribunal

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Chair's Message

This is the third Annual Report of the Ontario Rental Housing Tribunal. Our Annual Reports coincide with the government's fiscal year; therefore, this Report will cover the period from April 1, 2000 to March 31, 2001.

Our third year of operations has been a successful one. The recommendations received from our operational review in 1999 have been implemented and we are currently seeing the benefits of some of these improvements in the Tribunal's day to day work.

With respect to mediation, we have found it more beneficial to concentrate on "duty" mediation rather than "routine" mediation. Duty mediation occurs on the day of the hearing while routine mediation is conducted in advance of the hearing date. We have found clients to be more responsive to "duty" mediation. Our mediations have been successful in large urban areas and mediators are now being sent to more remote areas to help our clients in these areas.

Work on our call centre is almost complete and we are excited about the improvements that this can make in service quality to our clients. Our website continues to grow as our clients are using it more and more often as an alternative to telephone enquiries and personal visits.

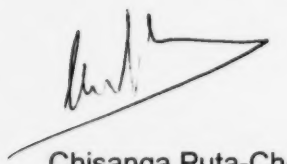
Above guideline increase applications have been a challenge. Although these applications make up less than 1% of our workload, they take up a disproportionate amount of time. We have spent a great deal of time improving our service in this area.

I am confident that next year, we will begin to see progress in resolving these applications in a timely manner.

For 98% of our work, we continue to operate with exceptional efficiency, with practically no backlog.

We have also improved the layout of our Notice of Hearing so that it provides more information in an easily understandable format for our clients. Our forms are under review in an attempt to ease the difficulties of data processing and lengthy waiting times as applications are received at the counter.

Sincerely,



Chisanga Puta-Chekwe, Chair,
Ontario Rental Housing Tribunal

THE TENANT PROTECTION ACT

On June 17, 1998, the *Tenant Protection Act, 1997*, commonly known at the TPA, was proclaimed.

The TPA brought together six pieces of legislation that formerly governed the relationship between landlords and tenants. The result is a comprehensive package that balances the rights and obligations of tenants and landlords.

The four primary objectives of the TPA are:

- To simplify the relationship between landlords and tenants
- To balance the needs of landlords and tenants
- To create an efficient process that deals with disputes quickly
- To create a cost efficient process

Under previous legislation, disputes between landlords and tenants were settled through the provincial court system. The court system was formal and costly, and dispute resolution often took a long time.

As well, the previous legislation had a separate system, Rent Control Programs, that oversaw the regulation of rent increases and provided information resources for tenants and landlords.

The need to provide a one-window service to tenants and landlords was clear. As a result, the *Tenant Protection Act, 1997* consolidated the two systems and created an independent, quasi-judicial agency - the Ontario Rental Housing Tribunal - to resolve landlord and tenant disputes.

THE ROLE OF THE ONTARIO RENTAL HOUSING TRIBUNAL

The role of the Tribunal is to:

- Resolve tenant and landlord disputes through either adjudication or mediation
- Determine legal above guideline rent increases in residential rental accommodations
- Provide landlords and tenants with information about their rights and obligations

The Tribunal focuses solely on residential rental accommodation issues and offers a process that is more efficient than previous systems for resolving landlord and tenant issues.

The Adjudication Process

The Tribunal was designed to create a more informal environment for the resolution of disputes between tenants and landlords. Under the adjudication process:

- Disputes are heard in public buildings rather than courthouses
- Tenants may choose to represent themselves and may consult an on-site legal aid representative
- The more conciliatory approach of mediation is encouraged before the hearing process begins or during the hearing if the adjudicator feels that the matter lends itself to mediation
- The Tribunal's adjudicators are highly qualified professionals who have both the experience and the knowledge to deal quickly and fairly with the issues. Adjudicators are appointed to the Tribunal after undergoing a rigorous and competitive interview and selection process.

The adjudicators meet formally twice a year to discuss issues and informally in their regions, on a more frequent basis. Many of them sit on committees and working groups such as the Rules and Guidelines Committee, groups to look at the order format, and other groups that gather opinions on specific issues. Many of the members' meetings also contain elements of training such as conduct of a hearing, natural justice, amendments to the TPA and to other legislation such as the *Statutory Powers Procedure Act.*

The Mediation Process

Mediation is offered under the Tribunal's legislation. It is often used to clarify issues and settle disputes so that the hearing may proceed more expeditiously. Mediated settlements are more flexible in their content than Tribunal orders. This often assists parties in reaching a satisfactory conclusion to their difficulties. Mediators use both their knowledge of rent regulation and their negotiation skills to assist landlords and tenants in resolving their applications and their concerns before the hearing.

Approximately 12% of the Tribunal's applications are successfully mediated. More difficult to quantify is the benefit of resolving only some of the issues in an application. Although these applications will have to be heard, the hearing takes a much shorter time because many of the issues have already been resolved through mediation. We are trying to focus more of our mediation efforts on the more complex applications. We have had some success with mediating Above Guideline Increase applications, which saves all parties lengthy hearings and provides a quicker resolution of the issues.

Locations

The Ontario Rental Housing Tribunal has eight regional offices and eleven client service across the province. Most of the Tribunal's hearings are held in its regional offices.

Hearings are held in the areas that are most convenient for tenants and landlords.

The regional offices are located in the following areas:

- London
- Hamilton
- Mississauga
- Toronto South (Downtown)
- Toronto North (North York)
- Toronto East (Scarborough)
- Ottawa
- Sudbury

At client service offices, landlords and tenants can file applications, have their questions answered by a customer service representative, and attend hearings (when it is convenient for both parties to do so). The client services offices are located in the following areas:

- → Windsor
- → Thunder Bay
- → Kingston
- → Timmins
- → Durham/Whitby
- → Owen Sound
- → North Bay
- → St. Catharines
- → Peterborough
- → Barrie
- → Kitchener

The Tribunal has a network of filing centres across the province where tenants or landlords can file their applications and pick up information about the Tribunal. These filing centres are currently run by private issuers who handle other government documents in more remote areas of the province. We will be exploring ways in which to work as partners with the Government Information Centres across Ontario which have a presence in some of the more remote areas of the province during the next fiscal year.

Call Centre

The Tribunal has created a call centre for handling customer inquiries. This is a toll-free number (1-888-332-3234) which operates 24 hours a day, seven days a week. Customer Service representatives are available during normal business hours. An extensive telephone script answers frequently asked questions. This year, the Tribunal responded to approximately 850,000 telephone calls. After hours and on weekends, a toll-free number is also available for faxing time sensitive documents and for ordering any of the Tribunal's public education brochures. These brochures are available in English and French. Selected brochures on the most important topics are available in seven other languages: Portuguese, Italian, Chinese, Punjabi, Polish, Tamil and Spanish.

The Tribunal's web-site (orht.gov.on.ca) is visited almost 50,000 times each year. All forms are available on the Internet as well as through each regional and client service office.

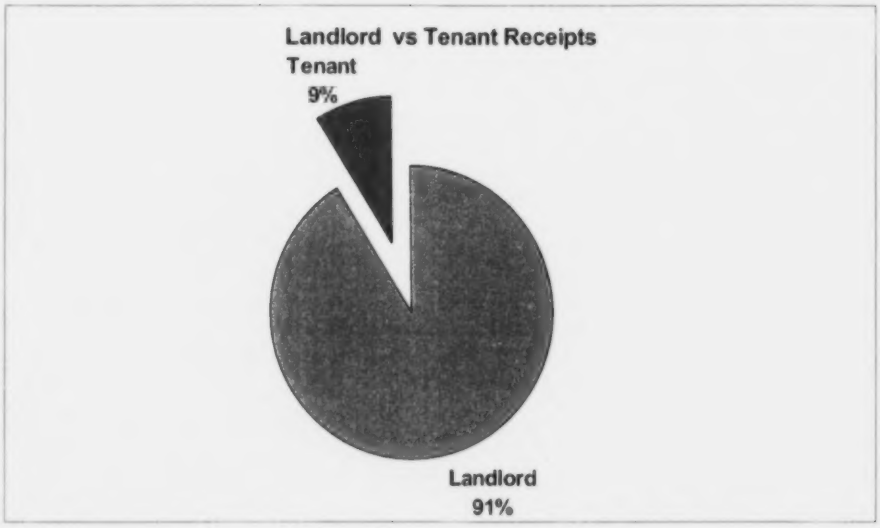
The Tribunal's telephone system will be updated in 2001 to improve our service to customers. The new equipment will allow our customer service representatives to respond to more calls and will allow more clients to get through on our 1-888 telephone line.

Statistical Information for the year 2000-2001

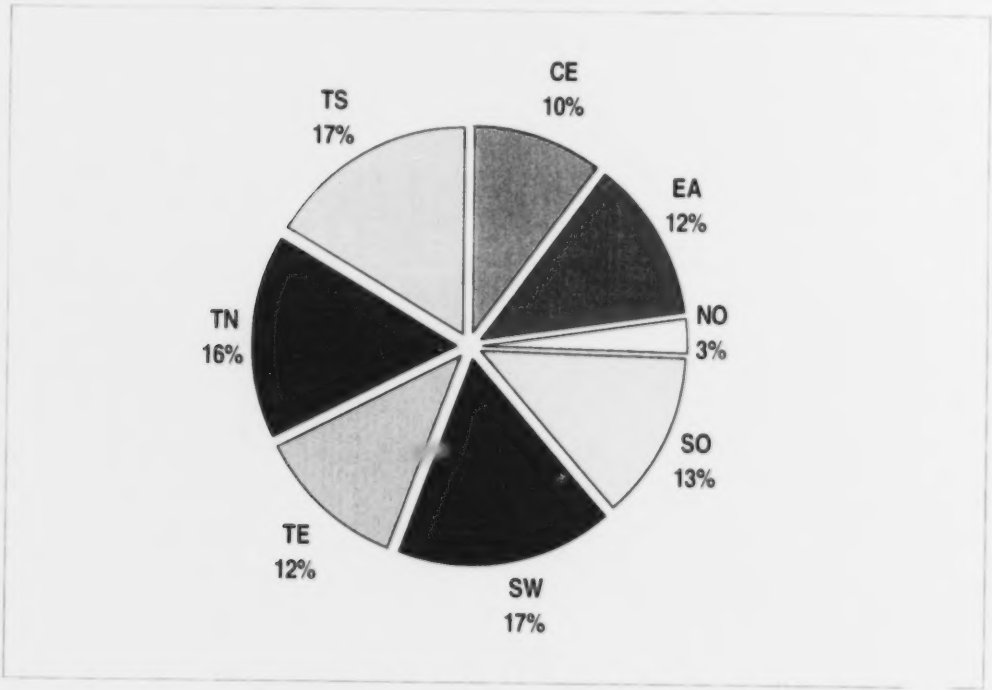
Applications

During the year, the Tribunal received 73,931 applications and resolved 76,946. (Because the Tribunal resolves re-opened mediation and set-asides, some applications may be counted twice.) At the end of the fiscal year 3,536 applications were still in process.

The distribution of the receipts for the 2000-2001 fiscal year are reflected in the following profile:



The regional distribution of applications is as follows:



***CE** refers to Central; **EA** to Eastern; **NO** to Northern; **SO** to Southern; **SW** to Southwestern; **TE** to Toronto East; **TN** to Toronto North; and **TS** to Toronto South*

Eviction applications have been in the majority since the Tribunal began in 1998. This year, the trend has continued. Of the total applications received by the Tribunal, 71.40 per cent were for termination of tenancies because of arrears of rent. This is down slightly from 72.63 per cent last year. Tenant applications accounted for 7.10 per cent of the applications filed during this fiscal year. This is slightly up from 7.05 per cent last year.

Above Guideline Increase Applications

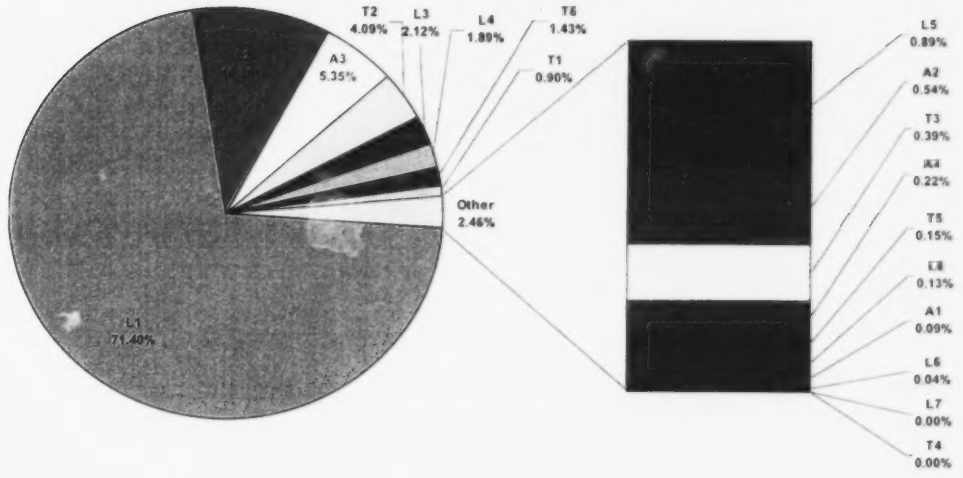
An average of 251 applications for above guideline increases were received each year under the *Rent Control Act*. During the first year of Tribunal operations, 887 applications for above guideline increase were received. Although the number decreased to 388 during the 1999-2000 fiscal year, the number again rose to 608 during this fiscal year.

We are finding that these applications, combined with applications for tax increases and decreases, take a disproportionate amount of time both for staff and adjudicators. A study of the Tribunal's workload found that these applications which make up only one per cent of the Tribunal's workload, take 16 per cent of the Tribunal's time.

Although the Tribunal has found some ways to handle this difficult and time consuming workload, it remains a priority for us in the coming year. We have determined that mediation between represented parties to an above guideline increase application has been successful in easing this problem and we will continue to encourage resolutions through mediated settlements.

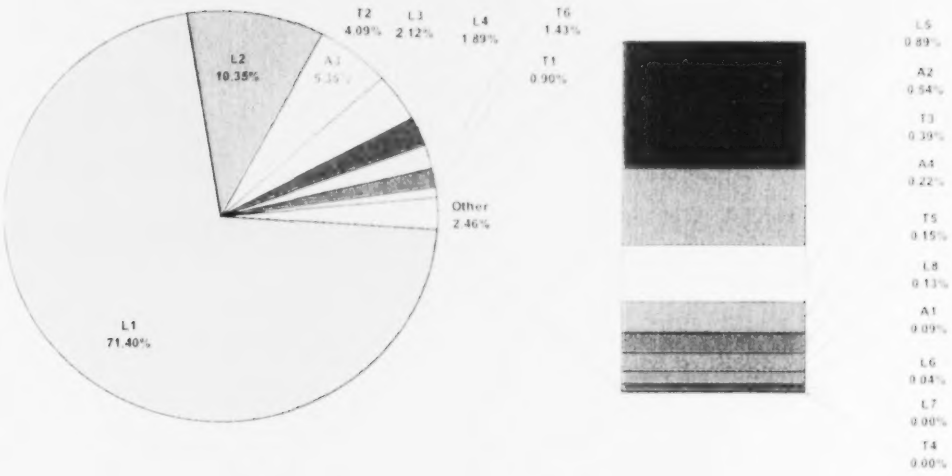
The charts on the following two page show the distribution of the Tribunal's workload, by type of application and disposition method (default or hearing), as well as a distribution of application type by hearing time.

DISTRIBUTION OF APPLICATION RECEIPTS
WORKLOAD FOR FISCAL 2000/2001



Case Type		# Cases	#Defaults	#Hearings
L1	Termination and Non-Payment of Rent	48,646	31,117	15,553
L2	Terminate Tenancy & Evict	7,052	1,969	4,000
A3	Combined Application	3,646	781	2,511
T2	Tenant Rights	2,788	1	2,068
L3	Termination - Tenant gave Notice	1,447	1,280	410
L4	Terminate Tenancy: Failed Settlement	1,288	1,173	433
T6	Maintenance	976	0	536
T1	Rebate	616	59	431
L5	Rent Increase above Guideline	608	2	635
A2	Sublet or Assignment	369	116	218
T3	Rent Reduction	269	0	315
A4	Vary Rent Reduction Amount	148	0	221
T5	Bad faith Notice of Termination	101	0	88
L8	Tenant Changed Locks	87	2	57
A1	Determine Whether Act Applies	61	0	77
L6	Review of Provincial Work Order	30	0	25
T4	Failed Rent Increase above Guideline	2	0	2
L7	Transfer Tenant to Care Home	0	0	1
		68,134	**36,500**	**27,581**

DISTRIBUTION OF APPLICATION RECEIPTS
WORKLOAD FOR FISCAL 2000/2001



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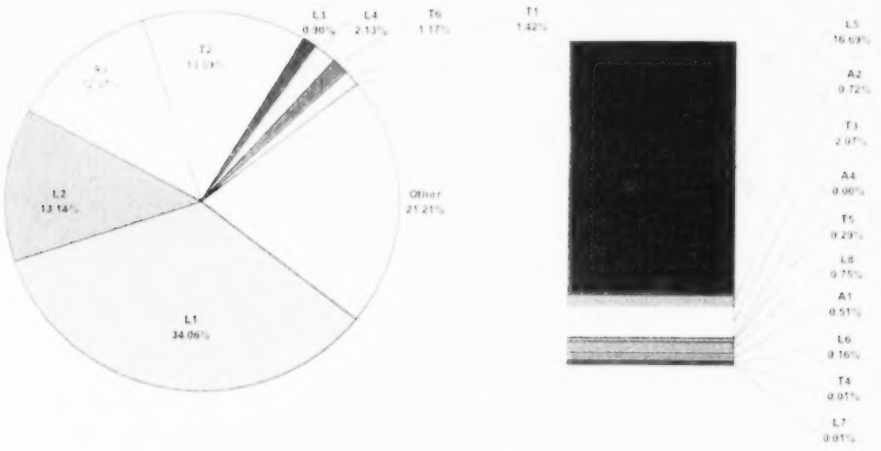
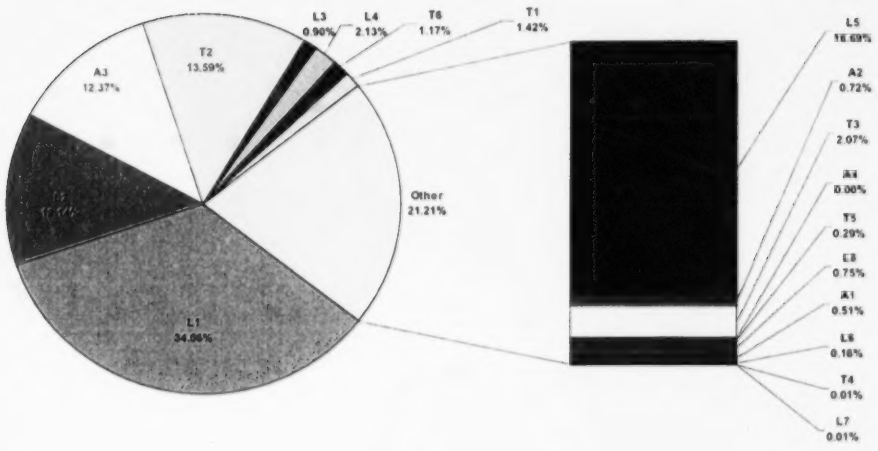
DISTRIBUTION OF HEARING TIME
WORKLOAD FOR FISCAL 2000/2001



Case Type		# Cases	#Defaults	#Hearings	Hearing Time (minutes)
L1	Termination and Non-Payment of	48,646	31,117	15,553	311,060
L2	Terminate Tenancy & Evict	7,052	1,969	4,000	120,000
A3	Combined Application	3,646	781	2,511	112,995
T2	Tenant Rights	2,788	1	2,068	124,080
L3	Termination - Tenant gave Notice	1,447	1,280	410	8,200
L4	Terminate Tenancy: Failed	1,288	1,173	433	19,485
T6	Maintenance	976	0	536	10,720
T1	Rebate	616	59	431	12,930
L5	Rent Increase above Guideline	608	2	635	152,400
A2	Sublet or Assignment	369	116	218	6,540
T3	Rent Reduction	269	0	315	18,900
A4	Vary Rent Reduction Amount	148	0	221	0
T5	Bad faith Notice of Termination	101	0	88	2,640
L8	Tenant Changed Locks	87	2	57	6,840
A1	Determine Whether Act Applies	61	0	77	4,620
L6	Review of Provincial Work Order	30	0	25	1,500
T4	Failed Rent Increase above Guideline	2	0	2	120
L7	Transfer Tenant to Care Home	0	0	1	120
		68,134	**36,500**	**27,581**	913,150

DISTRIBUTION OF HEARING TIME
WORKLOAD FOR FISCAL 2000/2001



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L6	Review of Provincial Work Order	30	0	25	1,500
T4	Failed Rent Increase above Guideline	2	0	2	120
L7	Transfer Tenant to Care Home	0	0	1	120
		68,134	**36,500**	**27,581**	**913,150**

Harassment Applications

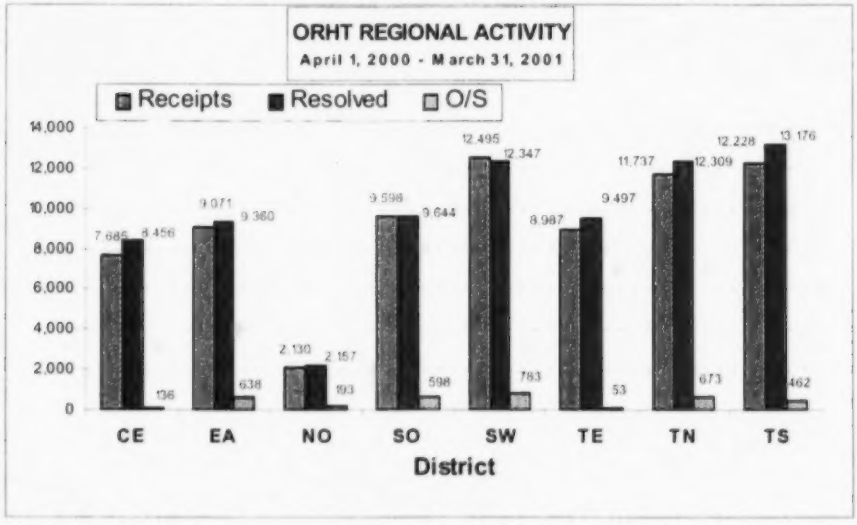
Tenants may apply to the Tribunal for relief, at no charge, if they believe that their landlord has been harassing them. The Tribunal received 2,788 applications relating to tenant rights as compared to 2,641 during the last fiscal year. Of the number received, 440 had yet to be resolved at the end of the fiscal year.

APPLICATION RESOLUTION

The Tribunal has been successful in resolving applications quickly. On average, the Tribunal maintains only one month's receipts as open files. Most orders are issued within 22 days of filing the application and even more complex orders were issued within 25 days.

The Tribunal continues however, to experience difficulty in processing above guideline increase applications as quickly and as efficiently as we would like. Finding ways of meeting this challenge will become an on-going project for the Tribunal over the coming months.

The chart below indicates that receipts and resolutions remained constant during the year.



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ORDER SUMMARIES

Ontario Rental Housing Tribunal adjudicators are responsible for hearing a wide variety of applications from both landlords and tenants. These applications address such issues as above guideline rent increases, evictions and orders for payment of arrears.

The following presents a sample of cases heard by the Tribunal during the 2000-2001 fiscal year.

Landlord Application **Section 34**

The landlord applied to terminate the tenancy and evict the tenant, based on the tenant's alleged interference with the reasonable enjoyment of the premises by the landlord.

Both the landlord and the tenant attended the hearing. At the hearing, the landlord stated that she had served a Notice of Early Termination on the tenant as the tenant would not allow her access to show the unit to prospective buyers, even after she had served the tenant with a
24-hour written notice as required under section 21 of the Act. The landlord stated that she entered the rental unit, accompanied by a police officer, and took pictures and measurements. The landlord also stated that she served this notice of termination on the tenant which allowed the tenant to remedy the situation within seven days, failing which the notice would then become void. The landlord served the notice on the tenant on June 1, 2000. The landlord advised the tenant in writing that she would be entering the rented premises on June 12, 2000. The member found that subsection 64(3) of the *Tenant Protection Act, 1997* provides a
seven-day remedy period and if the tenant, within seven days of receiving the notice, stops the conduct or remedies the situation the notice is then void. The member dismissed the application based on the fact that the landlord did not attempt to gain access to the rental unit within the required 7-day remedy period as required under subsection 64(3) of the Act.

Tenant Application **Section 35**

The tenants applied for an order to determine if the landlord had harassed, obstructed, coerced, threatened or interfered with the tenants' reasonable enjoyment and/or withheld the reasonable supply of a vital service.

The hearing was held on February 16, 2001. All parties were present along with their legal representatives. At the start of the hearing, the landlord's legal representative raised a preliminary matter to determine if the Tribunal had jurisdiction to hear this application and moved for the application to be dismissed. The landlord's lawyer was relying on section 3(i) of the TPA, which states that the Act does not apply where the occupant is required to share a kitchen or bathroom facility with the owner who lives in the premises. There was no dispute that the owner lived in the residential unit. There also was no doubt that the parties originally intended to share the kitchen facilities between the owner and the occupants. Even though the tenants were using a separate area with a sink and had supplied their own microwave, the original intention was for these parties to share the kitchen facilities . The member found the Tribunal had no jurisdiction and dismissed the application as per section 3(i) of the TPA.

Landlord and Tenant Application (Heard in Common) **Sections 69 and 35**

The landlord applied for an order to terminate the tenancy and evict the tenants as they had not paid the rent they owed. The tenants applied for an order determining that the landlord had substantially interfered with their reasonable enjoyment.

The landlord's application was originally scheduled to be heard on September 12, 2000. However, at the hearing the parties agreed to adjourn the hearing to allow the tenants to pay two months rent into the Tribunal and to file their own application about tenant rights. An Interim Consent order was issued by the Tribunal confirming the terms agreed to by the parties.

The two applications were heard in common. All parties were present. The landlord presented two witnesses. The tenants had one witness who was not called upon to give evidence. On the issue of the landlord's application for non-payment of rent, all parties agreed that there were no arrears owing at this time as the tenants had paid the full amount into the Tribunal as directed by the Interim Order.

The tenants' application was based on an unpainted door to their townhouse rental unit. In September 1999, the tenants' unit was broken into. The front door and frame were damaged as a result of this break-in, and further damage was caused by the police when they dusted for fingerprints.

On the evening of the break-in the landlord's staff carried out temporary repairs to ensure the unit was secure. The next day, the landlord's staff returned and replaced the door with a new one. The door was only painted with a primer coat, and there was no dispute between the parties that the door required painting. The tenants continued to contact the landlord and the landlord's staff requesting that the door be painted. In August 2000, the door was painted. The tenant explained that this unpainted door interfered with her reasonable enjoyment. Her testimony was that as long as door remained unpainted she was unable to put the trauma of the break-in behind her. As well, an unpainted door was a clear invitation to anyone else who may be interested in breaking into her home. After several calls to the landlord she stated that out of frustration she decided to withhold the rent for July and August 2000, until the door was painted. The landlord submitted a letter from the tenant stating that she had to leave her previous job due to medical reasons and was at this time unemployed. The landlord drew the attention of the member to this letter stating that nowhere in the letter did the tenant state that she was withholding rent because of the unpainted door.

The member preferred the evidence of the landlord, as it was clear and concise compared to that of the tenant which was contradictory and vague. The member also placed significant weight on the August 2, 2000 letter from the tenant as she did not use this opportunity to inform the landlord of the outstanding painting of the door and how it was impacting on her reasonable enjoyment of the premises, but chose only to address her financial situation.

The member dismissed the tenants' application due to a lack of evidence. The landlord's application was dismissed since the tenants had paid all arrears owing into the Tribunal. This was directed to be paid to the landlord. The tenants were then ordered to pay costs to the landlord in the amount of $285.00. This represented $225.00 for the tenants' unreasonable conduct and $60.00 for the cost of the landlord's application.

Tenant Application **Section 144**

The tenant applied for an order to determine if the landlord had collected or retained money illegally.

At the hearing, both parties were present and self-represented. The tenant claimed that there was damage caused to her personal belongings due to a flood in her apartment. She also requested a rent abatement for the damage this caused to the floor.

The tenant stated that in the early morning hours of January 22, 2000, a hot water pipe burst. This pipe supplied water to the units above her apartment. The burst pipe caused damage to several units, including the applicant's. The tenant had to move out since the unit was uninhabitable. She was able to re-occupy the unit in the middle of February 2000.

The tenant stated that the landlord should have taken precautions to avoid this situation as a similar situation had happened in 1997. The landlord argued that the two situations were not similar.

The member preferred the evidence of the landlord regarding the cause of the burst pipe. He did not believe that the water damage was the fault of the landlord caused by a lack of preventative maintenance, regular inspections, or any of the other reasons argued by the tenant. An abatement of rent was awarded to the tenant in the amount of $320.00 for the half month that the tenant had to vacate the unit. As well an amount was awarded to the tenant for food that spoiled when the landlord's staff accidentally unplugged the refrigerator, plus an additional $100.00 for sundry living and travelling expenses incurred by the tenant.

Tenant Application **Sections 32 and 35**

The tenants applied for an order to determine if the landlord had interfered with their reasonable enjoyment of the rental unit.

The hearing was held on August 17, 2000. All parties were present, as was the landlord's solicitor. The basis of this case was that the tenants felt that the rental unit required painting and new carpeting. The landlord argued that he had a maintenance schedule in place for these items, and to vary from that would be problematic.

The main concern of the tenants was that the rental unit did not necessarily need painting or the carpet replaced, they merely wished permission to do the decorating for their own pleasure and at their own costs. The landlord would not consent to this. The member found that this was not necessarily harassment on the part of the landlord, but by refusing to give his consent to the these upgrades it did interfere with the tenants' reasonable enjoyment of the rental unit. The member issued an order allowing a current abatement of rent in the amount of $1.00 as a token to assume jurisdiction to award a future amount of an abatement on a conditional basis. The order allowed the tenants to paint the walls of the rental unit in a white or an off-white colour and to purchase and install residential quality carpet for any room of the apartment. This order allowed a further abatement of $100.00 per month for each month the landlord refused his consent to allow these upgrades.

Landlord Application **Section 76**

The landlords applied for an order to terminate the tenancy and evict the tenants as the tenants signed an agreement to terminate.

The landlord and both tenants were present at the hearing. The landlord claimed that the tenants had agreed to terminate the tenancy and vacate the rental unit. The member relied upon several sections of the Act in making his findings.

Pursuant to sub-section 76(1) of the *Tenant Protection Act, 1997*, a landlord may apply to the Tribunal for an order terminating the tenancy and evicting the tenant if the landlord and the tenant have entered into an agreement to terminate the tenancy or if the tenant has given notice of termination of the tenancy.

In sub-section 1(1) of the Act "tenant" is defined, in part, to include "a person who pays rent in return for the right to occupy a rental unit", and "person"is defined, in part, to mean "an individual, sole proprietorship, partnership, limited partnership, trust or body corporate, or individual in his or her capacity as a trustee, executor, administrator or other legal representative."

The member found the definitions of "tenant" and "person" do not include two people who are spouses of one another. Each of those spouses is an individual who has separate rights and obligations under the Act. The member found that since only one of the two tenants had signed the notice to terminate, the notice was not valid for both tenants and dismissed the landlord's application.

Landlord Application **Subsection 138(6)**

The landlord applied for an order allowing him to increase the rents for one or more of the rental units in the complex by more than the guideline amount. To support this claim the landlord submitted proof with the application that several capital expenditures had been incurred at the complex that warranted an increase that was greater than the guideline.

The application was heard on November 15, 2000. At the beginning of the hearing, the member raised a preliminary issue that the application was filed less than 90 days before the effective date of the first intended rent increase, contrary to the requirement of subsection 138(3) of the Act.

The member allowed the abridgement of time for filing this application as it was only filed two days late and any order would be contingent upon the landlord having properly served a Notice of Rent Increase. The member found no prejudice to the affected tenants in making the order sought by the landlord abridging time.

The next issue raised by the tenants was the capital expenditures claimed by the landlord. The landlord was claiming several large expenditures which the tenants did not feel met the definition of a capital expenditure as set out in the Act. The tenants submitted a prior case handled by the Tribunal in which the member did not allow capital expenditures for work done on the apartment corridors. This decision was upheld upon review and the tenants in this application were relying on the same interpretation. The member stated his view of section 138 as follows:

> The landlord must, in any application, prove that a claimed expenditure is a capital expenditure as defined in subsection 15(1) of O.Reg. 194/98. If the Tribunal is satisfied that the expenditure is a capital expenditure and the landlord has also proven that this is captured by the limitations of subsection 138(8), the expenditure must be allowed.

The member allowed the expenditures claimed by the landlord and issued an order justifying an increase of 1.21% above the guideline.

Tenant Application **Section 35**

The tenant applied for an order to determine if the landlord had interfered with her reasonable enjoyment of the rental unit.

The hearing was held on June 20, 2000 and on August 3, 2000. All parties were present along with the landlord's agent and counsel for the tenant. This application raises the difficult issue concerning the right of a tenant to invite guests to visit the residential premises and a right of a landlord to restrict entry by such persons.

The tenant was married to her guest and they had two children. The tenant and her guest divorced and the two children reside with their mother at the rental unit. The tenant's guest has a history of bad behaviour while he is present in the complex. The landlord stated that the tenant's guest has been verbally abusive to the landlord and to the landlord's staff in the past and the police had to intervene on three occasions in which temporary bans on being allowed to enter the complex were issued under the *Trespass to Property Act*, R.S.O. 1990, c.T.21.

The tenant's ex-husband has continued to assist the tenant in the raising of the children. Prior to the ban he attended at the tenant's unit, with her permission, to visit and or pick-up the children. As a result of the ban the tenant's ex-husband has been denied access to the complex making it difficult for him to visit his children. The tenant submits that, because of this, the landlord has seriously interfered with her and her children's reasonable enjoyment of the rented premises.

The member relied on section 26 of the TPA which states:

> ... the landlord shall not at anytime during a tenant's occupancy of a rental unit ... substantially interfere with the reasonable enjoyment of the rental unit or the residential complex in which it is located for all usual purposes by the tenant or members of his or her household.

The member also relied on the Court decision in the case Cunningham v. Whitby Christian Non-Profit Housing Corp., (1997), 33 O.R (3d) 171. In that case, the landlord issued a Trespass Notice to the tenant's guest on the basis that the landlord had determined that the guest was occupying the rental unit illegally with the tenant.

The Court found that a tenant has the right to have guests over at any time throughout their tenancy.

The member took this into consideration and issued an order instructing the landlord to refrain from interfering with the tenant's reasonable enjoyment by refusing to grant access to the tenant's ex-husband or any guests in the future.

Landlord Application **Section 69**

The landlord applied for an order to terminate the tenancy and evict the tenant as he had not paid the rent he owed.

The application was heard on March 30, 2000 and concluded on April 18, 2000. The landlord was represented by his property manager and the tenant was represented by an agent. The tenant entered into an agreement with the landlord that he would pay a market rent of $791.00 per month. The landlord is a non-profit housing corporation and receives government funding to assist in providing accommodation to people who require financial assistance. The tenant's financial situation changed and he submitted an application for housing to The Community Housing Access Network (CHAN). CHAN is a government approved system of coordinated access to social housing in the Hamilton-Wentworth area.

The tenant requested several times to CHAN that his application be given priority over all others as he required a subsidy urgently. The directive of CHAN is that residents who pay market rent and who wish to receive a rent-geared-to-income subsidy are placed on a chronological waiting list. The tenant's agent argued that the landlord owed a fiduciary duty to the tenant and to evict the tenant would be a breach of this duty. He argued that this fiduciary duty arose because the landlord is in receipt of government funding to assist in the operation of its housing complexes and because the corporate objectives of the landlord include to "provide and maintain housing for low-income individuals and families" in the City of Hamilton. He argued that evicting the tenant would create a homeless person whereas the corporate objectives of the landlord imply that it was established to assist the homeless. He referred to *Hodgkinson v. Simms, (1994) 3 S.C.R. 377.*

The member rejected this argument and issued an order terminating the tenancy and evicting the tenant as there is nothing in the Act to suggest that a tenant waiting for a rent subsidy is exempt from eviction.

Tenant Application **Section 110**

The tenants applied for an order to determine if the landlord failed to meet its maintenance obligations under the *Tenant Protection Act, 1997*.

The application was heard on September 29, 2000. The tenants were present and represented themselves. The landlord was represented by counsel.

The application related to the maintenance of a septic system in a land lease community.

On August 27, 1999 the tenants experienced a problem with the drainage from the dwelling to the septic system. The tenants were able to partially remedy the situation by digging up and removing the cover of the septic tank. Upon doing so, they discovered that the septic tank was overfilled and the inflow pipe was blocked. The tenants contacted the landlord on August 28, 1999 by telephone, and the landlord's property agent responded by e-mail on August 30, 1999. In this e-mail, the landlord's property agent stated to the tenants that the septic system was their responsibility and they would have to repair it as stated in their lease.

The tenants maintained the septic system for the next year until they found out that it was the landlord's responsibility under section 110 of the Act and decided to file this application.

The tenants allege that the landlord has breached its obligations under clause 110(1)(d) of the Act to maintain the sewage disposal system in a good state of repair.

As a preliminary issue, the member questioned whether the tenants had made their application within one year after the date the landlord breached the obligation. The evidence is that the problem with the septic system arose on August 27, 1999 and the application was filed on August 29, 2000, which would appear to be outside the one year limitation. The tenants faxed their application to the Tribunal on August 25, 2000, but a page was missing so the application was not accepted. The tenants were informed of this by the Tribunal on August 28, 2000, and the tenants then faxed in the missing page on August 29, 2000. The member's interpretation of subsection 110(2) of the Act would require the tenants, under normal circumstances, to file this application no later than August 27, 2000. August 27, 2000 was a Sunday, so the member relied on section 28(h) of the *Interpretation Act*, R.S.O. 1990, Chapter I-11 which provides that:

"where the time limited by an Act for proceeding or for the doing of anything under its provisions expires or falls on a holiday, the time so limited extends to and the thing may be done on the day next following that is not a holiday,"

The definition of holiday in the *Interpretation Act* includes a Sunday. The member found that the tenants had until August 28, 2000 to file their application. Since the tenants did not file their application till the day after, the member dismissed the application.

Landlord Application **Section 21.2 Review Order**

The landlord applied for an order for compensation for damages caused by the tenants either negligently or willfully, and an order terminating the tenancy and evicting the tenants for the damage they have caused.

The application was heard on June 6, 2000, and was resolved by Order on June 14, 2000. On June 21, 2000, the tenants requested a review of this order. The review was granted and an Interim Order was issued on July 11, 2000. The review hearing was commenced on August 16, 2000 and concluded on September 21, 2000.

The landlord's application was brought on the basis that the tenant had caused damage to the building's garage door by trying to drive his truck into the underground garage without first resetting the garage door with his key. The member at the original hearing had requested documentation be given by the landlord pursuant to clause 187(1)(d) of the Act which provides as follows:

> *187. (1) The Tribunal may, before, during or after a hearing,*
> *(d) permit or direct a party to file additional evidence with the Tribunal which the Tribunal considers necessary to make its decision.*

The additional information was received on June 9, 2000 but the member did not inform the other parties so they could have an opportunity to explain or refute it. This is required under subsection 187(2) of the Act. Because of this, the reviewing member found a serious procedural error and granted the review. The reviewing member having considered all of the oral and documentary evidence and submissions made by both parties, made the following determinations:

The tenants had caused undue damage to the garage door at a cost of $1,925.70, which will be paid to the landlord on the 21st of each month starting October 21, 2000 in the amount of $300.00 per month. The reviewing member used his discretion under section 84 of the Act and did not award a termination, but allowed the landlord the right, if the tenant failed to make any of the payments for damage, to apply to the Tribunal under section 77 without notice to the tenant for an order granting the eviction.

BIOGRAPHIES

CHAIR

Chisanga Puta-Chekwe

Chisanga Puta-Chekwe attended Sir William Borlase School in Marlow, Buckinghamshire, before studying law at the University of Birmingham in England. A Rhodes scholar, he received graduate degrees in law from the University of London, and in philosophy, politics and economics from the University of Oxford.

Mr. Puta-Chekwe was a partner in the firm Lloyd, Jones and Collins in Zambia from 1980 to 1986, and litigated a number of human rights cases, some of which became landmark decisions.

From 1986 until 1989, he was vice president of Meridien International Bank in London, England. He then worked as an international development consultant, mostly with the Canadian International Development Agency in Ottawa from 1989 until 1994.

In 1994, he served as adjudication officer and United Nations observer support officer monitoring the South African election, and in 1996 served as election supervisor in Bosnia and Herzegovina.

He spent six years with the Ontario Criminal Injuries Compensation Board, serving as a part-time board member from 1991 until 1994, and as chair of the Board from 1994 until 1997.

He served as executive director of Oxfam Canada between 1997 and 1998. He also served as co-chair of the Conference of Ontario Boards and Agencies (COBA 2000).

Mr. Puta-Chekwe is a Solicitor of the Supreme Court (England and Wales), and an Advocate of the High Court for Zambia.

VICE CHAIRS

David Braund

David Braund is a graduate of the University of Western Ontario (Bachelor of Arts, 1971and Bachelor of Laws, 1974). After his call to the bar in 1976, he practiced law for five years in London, Ontario. During that time he also served as chair of the London Committee of Adjustments which decided cases under the Planning Act. In 1981, he was appointed as a commissioner of the Residential Tenancy Commission, and later as appeal commissioner. From 1986 to 1998, Mr. Braund was the rent registrar for Ontario under the Rent Review and Rent Control Programs. He is a member of the executive of the Couchiching Institute of Public Affairs, and also co-chair of the Rules of Practice Committee of the Society of Ontario Adjudicators and Regulations.

Gilles Guénette

Gilles Guénette graduated from the University of Ottawa, Faculty of Law where he later lectured in civil procedure. He worked as a general practitioner for more than 30 years and also acted as ad hoc hearing counsel for the RCMP Public Complaints Commission. Mr. Guénette has recently practiced as an arbitrator and mediator, and lectured in alternative dispute resolution at the Law Society of Upper Canada Bar Admission Course. Mr. Guénette was, until his appointment to the Tribunal, a member of the Advisory Committee of the Neighbourhood Coalition for Conflict Resolution, and the vice chair of Ottawa-Carleton Housing Authority. He is a former president of L'Association des juristes d'expression française de l'Ontario.

Connie Holmes

Connie Holmes has a long history with the Ministry of the Attorney General. She has served as registrar of the Divisional Court, Southwest Region; hearings officer for Small Claims Court pre-trials; registrar for Landlord and Tenant Hearings, and counter services manager in London; court services manager in Stratford and Goderich; assistant to the regional senior judge for the Southwest Region, and special advisor to the assistant deputy attorney general. Ms. Holmes has been active in community service organizations such as Mission Services in London. She is a founding member of Teen Girls' Home, and the Brain Tumour Foundation of Canada (Gus Macher Tournament), and sits on the Advisory Committee of Collections for the London Historical Museums.

Mary Lee

Before coming to the Tribunal, Mary Lee served for three years as registrar and chief administration officer of the Criminal Injuries Compensation Board leading the Board through a complete reorganization of its administrative processes. Prior to that, Ms. Lee was extensively involved in training and staff development with the Ontario Provincial Police for over eight years. She also served in the Premier's Office, Correspondence Unit. Ms. Lee is an active member of the Society of Ontario Adjudicators and Regulators Training and Education Committee.

Beverly Moore

Beverly Moore graduated from Sir Wilfred Laurier University with a Bachelor of Arts degree. She later graduated from the law clerk program at Fanshawe College. Ms. Moore spent 12 years working in community legal clinics. Before coming to the Tribunal, Ms. Moore served as a vice chair with the Social Assistance Review Board.

ADJUDICATORS

Shehnaz Alidina (Part-Time Member)

Shehnaz Alidina has a Master's degree in Health Administration from the University of Ottawa and a Fellowship in Health Administration from the Juan de Fuca Hospitals in British Columbia. She has held a number of positions in health planning and administration in Ontario, Alberta and British Columbia, including five years as executive director of the Nipissing-Timiskaming District Health Council in Ontario. She now works as a private health consultant and has undertaken health reform projects in France, Kenya, Croatia and Tajikistan. She has published in health journals and has received a number of awards for academic excellence and community service.

Ashis Basu

Ashis Basu attended schools in England and India prior to obtaining his Bachelor of Science (Honours) in 1974 and Master of Business Administration (Distinction) in 1977 from Pune University in India. He started his career in the private sector in 1977 with one of the largest corporations in Kenya, becoming General Manager in 1983. He was also a Member of the Federation of Kenya Employers and was actively involved in negotiating and mediating many employment issues. In 1980, he served in Uganda as Member of the Project Team working with the World Bank and G7 countries responsible for economic and industrial reconstruction of the country after the restoration of democracy. Moving to Canada in 1988, he joined Citigroup, one of the world's largest financial services companies. He worked in various functions during his tenure, including administration, internal control, regulatory affairs, and business and systems planning. Prior to his appointment to the Tribunal he managed all acquisitions and contracts of the organisation in Canada.

Elizabeth Beckett

Elizabeth Beckett, a graduate of Osgoode Hall Law School, has spent much of her professional life in the teaching profession. Prior to taking up her position at the Ontario Rental Housing Tribunal she was a part-time professor of law at Sheridan College and for the past ten years has taught Business Law for Canadian General Accountants. Ms. Beckett brings to the Tribunal her experience gained as an adjudicator to the Boards of Inquiry for the Human Rights Commission.

Chris Braney

Chris Braney has extensive experience in both the business community and in public service. Over the years, he has served as the vice president of the Centennial Community and Recreation Association, and director of the Variety Club Telethon. He is currently the president of West Hill Community Services, a volunteer board that caters to the needs of underprivileged members of the community. In 1994, he was elected to the Scarborough Board of Education, where he served as both a trustee and the vice chairman of the board overseeing an annual budget of $525 million. As vice chairman, Chris chaired many hearings dealing with students who had broken the rules associated with the Scarborough Board of Education's zero tolerance to weapons and violence policy. Chris has also been the owner and operator of a successful health and safety products company, where he specialized in marketing and communications. Before joining the Tribunal, Chris was the director of marketing for a Toronto based aerospace company.

Jim Brown

Jim Brown graduated from Ryerson Polytechnical Institute in business administration in 1965. He then graduated with a Bachelor of Arts degree from York University in 1968. That same year, he graduated from the Certified General Accountant program. In 1971 he graduated from the Master of Business Administration program at York University. In 1971 he also graduated as a registered industrial accountant. Mr. Brown spent many years at the Toronto Telegram and was one of the founders of the Toronto Sun. Mr. Brown operated his own manufacturing company for 25 years before entering public service. He has lectured at Ryerson, Seneca College and the University of Toronto. He is also a former member of the Ontario Legislature.

Stanley Chapman (Part-Time Member)

Stanley Chapman was educated in Scotland and has experience with municipal and provincial governments in a number of capacities. Prior to joining the Ontario Rental Housing Tribunal, Mr. Chapman served for seven years as an adjudicator with the Worker's Compensation Appeals Tribunal.

Andreas von Cramon

Andreas von Cramon is a graduate of Osgoode Hall Law School. He practiced law in Brockville, after his call to the Law Society of Upper Canada in 1991, until his appointment to the Ontario Rental Housing Tribunal. He is a past member of the Ontario Consent and Capacity Board.

Michael van Dusen (Part-Time Member)

Michael van Dusen is a graduate of the University of Ottawa (B. A. *cum laude*, 1982), LL.B. 1986). He practiced with the firm of Goldberg, Shinder, Gardner & Kronick until 1997 when he joined Messrs. Burke-Robertson. He continues to carry on an active practice with particular emphasis on insurance and commercial litigation. Mr. Van Dusen is directly involved in several local charities and continues to devote much of his spare time to community fundraising. He was appointed as a part-time member of the Ontario Rental Housing Tribunal on February 01, 2001, assigned to the Eastern Regional Office.

Susan Ellacott (Part-Time Member)

Susan Ellacott is a resident of the Ottawa region and served in the federal departments of International Trade, Consumer and Corporate Affairs, Natural Resources, and the Prime Minister's Office. In addition, she completed the Executive Leadership Course at the Canadian Centre for Management Development, received the Canada 125 Award for contributing to the community, and the federal public service Distinctive Service Award in recognition of support to the science and technology community. Ms. Ellacott graduated from Brookfield High School and received her diploma in Business Administration from Algonquin College.

Lola Fabowalé

Lola Fabowalé graduated from Trent University in 1988 with a Bachelor's degree in administrative and policy studies. She also completed a Master's degree in management studies at Carleton University in 1991. Until her appointment to the Tribunal, Ms. Fabowalé coordinated the development of the policy and advocacy functions at Oxfam Canada.

She joined Oxfam Canada as programme development officer in 1995 and gradually accepted wider organizational responsibilities. Other organizations she had worked for include: the Public Interest Advocacy Centre as research director, Ekos Research Consulting Associates as a research analyst, and the International Development Research Centre as a professional research assistant. Her Master's thesis, "An Empirical Analysis of Credit Terms to Female Entrepreneurs", was commissioned as a research project by the Canadian Federation of Independent Business in 1989. Her involvement in community development work featured a two-year term as treasurer on the Volunteer Board of Immigrant and Visible Minority Women Against Abuse (IVMWAA).

Nancy Fahlgren

Nancy Fahlgren comes to the Tribunal with over 10 years experience in administering rental housing legislation. Professional highlights include: serving as acting chief rent officer under Rent Control Programs, adjudicating issues governed by the previous housing legislation, and mediating landlord and tenant rental matters. Ms. Fahlgren studied science and languages at Nipissing University and the University of Toronto.

Steven J. Faughnan

Steven Faughnan received a Bachelor of Commerce degree from Concordia University and is a graduate of the National Law Program of McGill University, where he received degrees in both civil (BCL) and common law (LLB). After his call to the bar of Ontario, Mr. Faughnan practiced civil litigation, represented clients at mediation and before administrative tribunals, and appeared in civil and commercial cases at Ontario courts of all levels. In 1998, he was appointed to the Ontario Rental Housing Tribunal and adjudicates hearings in English and French.

Richard A. Feldman

Richard Feldman holds Bachelor of Arts, Bachelor of Laws and Bachelor of Education degrees. He is the recipient of many academic honours, including the Arnold Balins Award from the University of Toronto. He received this award for his high academic standing, his demonstrated concern for others, his perseverance, and for his leadership qualities. As a lawyer, he has acted on behalf of landlords and tenants in residential and commercial tenancy disputes and rent review applications. He has experience in administrative law, civil litigation and residential real estate transactions.

Charles Gascoyne

Charles Gascoyne graduated from the University of Windsor with a Bachelor of Arts degree in 1983 and a Bachelor of Laws degree in 1986. Mr. Gascoyne is a member of the board of directors of the Essex Law Association and a number of other local community groups.

Murray Wm. Graham

Murray Graham graduated from York University in 1970 with a Bachelor of Arts degree and from Osgoode Hall Law School in 1973 with a Bachelor of Laws degree. After his call to the Bar in 1975, he practiced law in the City of Toronto until 1989. From 1990 to 1998, Mr. Graham was a legal and administrative consultant to corporations in the transportation, waste management, and environmental research and development industries.

David J. Gregory

David Gregory graduated from the University of Toronto, where he received a Bachelor of Applied Science degree in 1969 and a Juris Doctor degree in 1972. Mr. Gregory carried on a general law practice from 1974 until his appointment as a member of the Ontario Rental Housing Tribunal in 1998. Mr. Gregory has served as a deputy judge of the Small Claims Court, has actively volunteered his time on his community's Committee of Adjustment, Regional Chamber of Commerce and Economic Development Board, and is a past president of his local law association.

John Goodchild

John Goodchild graduated from Queen's University in 1977 with a Bachelor of Laws degree and was called to the Ontario bar in 1979. He was engaged in private practice in both Ottawa and Kingston until 1993, then employed by the Information and Privacy Commissioner of Ontario from 1993 to 1996. He was also engaged in private practice in the United States for two years and employed by the Information Commissioner of Canada before his appointment to the Ontario Rental Housing Tribunal.

Shawn Hayman

Shawn Hayman attended Fanshawe College, specializing in accounting principles and other business disciplines. She worked for ten years in the financial sector before joining the Ministry of Housing in 1987. Ms. Hayman has spent the last 11 years involved in all aspects of the delivery of Rent Review Programs as an appeal analyst, financial consultant and board member with the Rent Review Hearings Board. Most recently, she served as a rent officer with Rent Control Programs.

Knox Henry (Part-Time Member)

Knox Henry was appointed as a part-time member to the Pesticides Appeal Board in 1975, which was merged with the Environmental Appeal Board in 1978. He was a part-time member until 1991 when he became full-time vice chair of the Environmental Appeal Board. Mr. Henry is one of Canada's leading horticulturalists. He has been a guest lecturer on propagation, management and environmental issues at various universities and colleges. Mr. Henry was cross-appointed as deputy mining and lands commissioner for the period 1995 to 1997 and cross-appointed as a member of the Ontario Rental Housing Tribunal in 1999.

David Horrox

David Horrox graduated from York University with an Honours Bachelor of Arts degree and from the University of Toronto with a Master's degree in public administration. David Horrox served as an administrator in several departments in the federal government, including the Unemployment Insurance Commission, Canada Employment & Immigration Commission, Labour Canada, and Human Resources Development Canada. He was also a professor in the School of Business at Centennial College, and a four-term trustee and chairman of the Scarborough Board of Education. He is certified as an arbitrator by the Arbitration and Mediation Institute of Ontario Inc.

Richard Ittleman

Richard Ittleman has been a member of the Tribunal since its inception in 1998, and has been an active participant on various Tribunal committees. He holds an Honours Bachelor of Arts degree in history from York University and a Bachelor of Laws degree from the University of Windsor. Mr. Ittleman has been involved for several years in community volunteer work, where he has undertaken a number of fundraising and other projects. He currently sits on the managing council of a major community organization.

Linda Joss

Linda Joss commenced her career in the pioneer days of child care work, graduating from Thistletown Hospital in 1961. Mrs. Joss spent ten years in the child care field, supervising programmes for emotionally disturbed children, and working for the Children's Aid Society. After this she joined Metro Toronto's Community Service Department as a manager of hostels. During twenty five years with Community Services, Mrs. Joss managed and developed programs in Metro's four major hostels, including the opening of two new large facilities. During this time Mrs. Joss was a long term member and chair of the Centennial College Social Service Worker Advisory Board and an Advisory Board member participating in the creation of a new management course for social service staff at George Brown College. Mrs. Joss' experience in emergency housing has offered her a depth of knowledge of housing issues and the impact of evictions.

Catherine Keleher

Catherine Keleher started with the Tribunal as a part-time Member in July 2000, and became a full-time Member in February 2001. Catherine served for 13 years as Reeve of the Town of Palmerston. In that position, she served as a member of Wellington County Council and was elected Warden for 1994. Catherine has chaired the Town's Public Works, Administration Finance and Recreation, and Planning and Development committees as well as the County's Administration Finance and Personnel Committee, the Wellington-Guelph Joint Social Services Committee, and has co-chaired the Wellington-Guelph Waste Management Master Plan Steering Committee. She has been Vice-Chair of the Wellington County Library Board and a member of the Wellington County Police Services Board and the Wellington-Dufferin-Guelph Board of Health. Her community activities include two years as Vice-Chair of the Palmerston and District Hospital Board of Governors and ten years as a member of the Maitland Valley Conservation Authority and the Board of Family and Children's Services of Guelph and Wellington County.

Laurie Koch

Laurie Koch received her Bachelor of Arts degree in history and literature from the University of Massachusetts at Amherst and has completed numerous paralegal courses in both the United States and Ontario. Ms. Koch achieved a Certificate in Alternative Dispute Resolution in 1996 from Seneca College. Her professional experience includes paralegal work in both the public and private sectors. Ms. Koch was most recently a rent officer and mediator with the Ministry of Municipal Affairs and Housing where she adjudicated rent control applications and provided dispute resolution services to the landlord and tenant community as a member of the ministry's pilot project mediation team.

Stephen M. Kozak

Stephan Kozak received his Bachelor of Arts degree in political science and sociology from the University of Toronto. Mr. Kozak has since served as a rent review administrator, rent officer, and mediator with the Ministry of Municipal Affairs and Housing. In 1996, he received a Reach for Excellence Award from the ministry for his involvement in a landlord and tenant mediation pilot project.

Romuald Kwolek (Part-Time Member)

Romuald Kwolek graduated in 1981 from the University of Western Ontario with a Bachelor of Laws degree. He has practiced law in the city of Sault. Ste. Marie since 1983. He has carried on a general practice with Orazietti & Kwolek since 1989, specializing in criminal and family law. Romuald Kwolek is currently a deputy judge of the Small Claims Court, and continues to be actively involved in community volunteer work.

Edward Lee

Edward Lee graduated from McGill University where he received his Bachelor of Science degree, as well as degrees in both civil (BCL) and common law (LLB), and has practiced law in both Quebec and Ontario. He has also previously adjudicated with the Adjudication Directorate of Canada Immigration.

Sonia Light

Sonia Light graduated with distinction from McGill University in 1980 where she received her Bachelor of Arts degree in geography (urban systems). She graduated from Osgoode Hall Law School in 1983 and was called to the Ontario Bar in 1985. In 1986 and 1987 she was a solicitor in the City Solicitor's office for the City of Hamilton. In 1988 she acted as legal counsel to the then Ministry of Housing's Buildings Branch. From 1989 to 1998 she was employed by the former City of North York and the new City of Toronto as a solicitor.

Paul Lummiss

Paul Lummiss studied structural engineering at Lakehead University and graduated as a certified engineering technologist. He has in-depth experience with heavy, commercial and residential construction. Mr. Lummiss is a former member of local government and is a member of the Society of Ontario Adjudicators and Regulators.

Ian MacInnis

Ian MacInnis graduated with a Bachelor of Arts degree from the University of Waterloo. He has served with the Manitoba Police Commission, the Alberta Correctional Service, the Ontario Board of Parole, and as a councillor and deputy mayor for the City of Kingston. Prior to joining the Tribunal, Mr. MacInnis was in private practice as a court agent, representing clients in Small Claims Court and out-of-court settlements. He has also been active on several community boards and committees, including the City Revenue Committee, Kingston Access Bus, Kingston Planning and Development Committee, Community Economic Advisory Committee, and the Rwandan Orphans' Relief Fundraising Committee.

Donald MacVicar

Donald MacVicar graduated from Acadia University in Wolfville, Nova Scotia with a Bachelor of Business Administration degree. He continued his education at Dalhousie University in Halifax, Nova Scotia, where he obtained his Bachelor of Laws and Master of Business Administration degrees. He was called to the bar in Nova Scotia and Ontario. From 1988 to 1998, Mr. MacVicar was in private practice in the Toronto area. Since June of 1998, he has been a full-time member of the Tribunal, in Toronto.

Steven McCutcheon

Steve McCutcheon graduated from Queen's University in 1979 with a Bachelor of Arts degree, and the University of Windsor in 1985 with a Bachelor of Laws degree. He was called to the bar of Ontario in 1987. He has practiced law with Gardiner, Roberts in Toronto and later with smaller firms in Milton, Ontario. In between, he operated his own business importing parts for British sports cars and also found time to serve with the Peel Regional Police for a short period of time.

Tom McDermott

Mr. McDermott received his Honours Bachelor of Arts degree in economics from York University. Tom McDermott has been adjudicating and resolving landlord and tenant disputes for over 10 years. He is a member of the Society of Ontario Adjudicators and Regulators. Mr. McDermott participated in a pilot project to mediate disputes at Landlord and Tenant Court, after completing training in alternative dispute resolution.

Donna McGavin

Donna McGavin was a member of the Rent Review Hearings Board from 1987 until 1994. She became a vice chair of the Social Assistance Review Board (SARB) in 1995 and remained at SARB until 1998. In June 1999, Ms. McGavin was appointed as a member of the Ontario Rental Housing Tribunal.

Beverley J. Reade

Beverley J. Reade is a graduate of the University of Western Ontario (LL.B, 1978; history and English 1975) and the Law Society Bar Admission Course (1980). Ms. Reade practiced civil and criminal law from 1980 to 1986 as an associate in a St. Thomas (Ontario) practice, before becoming a sole practitioner, then associate in London (Ontario) between 1986 and 1995. Ms. Reade is a Deputy Small Claims Court judge and a Vice Chair at the Commercial Registration Appeal Tribunal.

Brian L. Rodenhurst

Brian Rodenhurst graduated from the University of Guelph with an Honours Bachelor of Arts degree and from the University of Windsor with a Bachelor of Laws. He was in private law practice for 20 years. Mr. Rodenhurst is the former mayor of the Town of Ingersoll, and chair of Ingersoll Police Services. He is a former member of the County Council, County of Oxford, and vice chair of administration and finance.

Jeffrey Rogers

Jeffrey Rogers graduated with a Bachelor of Arts degree in English from the University of Toronto and with a Bachelor of Laws from the University of Windsor. After his call to the Bar he entered practice as a sole practitioner and practiced extensively in the areas of civil litigation and real estate. In 1992, Mr. Rogers was appointed a deputy judge of the Toronto Small Claims Court and continued to adjudicate on all matters within the jurisdiction of that court until his appointment to the Tribunal.

Nancy Savage

Nancy Savage attended the University of Western Ontario Law School, obtaining a Bachelor of Laws degree in 1975. She has experience in private practice and in the representation of a child protection agency as in-house counsel.

Sheryl Ruth Senis

Sherry Senis has 12 years experience managing all aspects of a diversified business portfolio. As a former owner/broker of a real estate firm, she managed human resources, liability management, company structuring and business planning. As well as receiving her certificates in business administration, mortgage financing, property law and appraisal, she obtained her designation as a market value appraiser (MVA) in 1995. Recently, as a municipal councillor, Ms. Senis served as chair and/or member of several committees; director of the Social Development Council; vice chair of the Pickering Hydro Liaison Committee; and member of the Personnel and Performance Appraisal Committee, to name a few. Since the Tribunal's inception, Ms. Senis has been appointed team lead for the adjudicators dealing with operational review recommendations, and is a member of the Performance Management Committee and the Caseload Order Group Committee.

Catherine Skinner (Part-Time Member)

Catherine Skinner is a graduate of the University of Toronto, Faculty of Law and the University of Winnipeg, where she received a Bachelor of Arts Honours degree in French and classics. She is a member of the Law Society of British Columbia and the Law Society of Upper Canada. Prior to joining the Ontario Rental Housing Tribunal, she was legal counsel to the Ontario Assessment Review Board.

Peter Spadzinski (Part-Time Member)

Peter Spadzinski was an educator for over thirty years, serving as teacher, consultant and administrator in both elementary and secondary panels. A graduate of Laurentian University and the University of Waterloo (history, politics, French), Peter has been on municipal council for fifteen years, twelve of which he served as Reeve. During that time he was also member of the Parry Sound and Area Planning Board, serving as chair for three years. He has been involved in a variety of community organizations as a volunteer.

Cynthia Lynn Summers

Cynthia Summers is a graduate of McMaster University in 1988 with a Bachelor of Arts degree in political science, and in 1995 she received her Master's in social welfare policy. Cynthia has extensive experience in the social service field and in working with a diverse clientele. She has worked with social assistance recipients, and with mentally and physically challenged children and adults. Her experience includes representing the Ministry of Community and Social Services as a case presenting officer before the Social Assistance Review Board. Most recently, she was a professor in the School of Community Services at Sheridan College.

Julius Suraski (Part-Time Member)

Julius Suraski is a practicing insurance broker with an extensive background in accounting, claims management and dispute resolution. Mr. Suraski is a graduate of the University of Toronto (Bachelor of Commerce degree in 1972), the Canadian Institute of Chartered Accountants in 1974, and York University in 1998, holding a Certificate in Dispute Resolution. He is a member of the Arbitration and Mediation Institute of Ontario. Mr. Suraski is a co-founder of the Collision Industry Standards Council of Ontario and an industry spokesperson, promoting consumer protection through the implementation of safe repair standards and ethical business practices. He has published several works including *Audit Programs for Colleges and Universities* (1984) and *The Decline of the Auto Repair Industry in Ontario* (1997). He is a frequent contributor to various insurance trade publications. Mr. Suraski is committed to community service and has contributed in excess of 4,000 hours of volunteer service at the Baycrest Centre for Geriatric Care in Toronto.

George Taylor (Part-Time Member)

George Taylor is a graduate of McMaster University and Osgoode Hall Law School. He has carried on a general law practice in Barrie since 1968. Mr. Taylor has served as a Deputy Judge of the Small Claims Court, and was a member of the Legislature of Ontario from 1977 to 1985. He is also qualified as an arbitrator and mediator. In addition, Mr. Taylor has been involved for many years in community service work and numerous professional organizations.

David G. Timms

David Timms graduated from the University of Western Ontario in 1980 with a Bachelor of Arts degree, from the University of Windsor in 1983 with a Bachelor of Laws degree, and from Osgoode Hall Law School in 2000 with a Master's of Law degree. He has practiced law in the areas of civil litigation and dispute resolution since his call to the bar in 1985.

Mr. Timms is a member of the Canadian Bar Association, the Arbitration and Mediation Institute of Ontario, the Society of Ontario Adjudicators and Regulations and the Association of Trial Lawyers of America.

Diane L. Tinker

Diane Tinker is a graduate of McMaster University with a Bachelor of Arts degree and Queen's University at Kingston with a Bachelor of Laws degree. After her call to the bar in 1981, she was in private practice for two years and then became in-house counsel for 14 years. Ms. Tinker has been a deputy judge in Small Claims Court in both Kitchener and Cambridge for the past six years.

David Wright

David Wright is a graduate of Carleton University in Ottawa with a Bachelor of Arts degree in which he received first class honours in public administration. For the first ten years of his career, Mr. Wright was a public housing property manager. For the next 11 years, he worked in various provincial rent regulation programs until his appointment to the Tribunal in June 1998. Mr. Wright is an active volunteer in his community, in such activities as coaching, Gloucester Public Library Board (chair), various school councils, and with the Kiwanis Club of Rideau (past member).

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